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Human rights questions: implementation of human rights instruments

Canada, Chile, Costa Rica, Czech Republic, Greece, Guatemala, Lithuania, New Zealand, Norway, Romania, the former Yugoslav Republic of Macedonia: draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 53/138 of 9 December 1998, as well as other relevant resolutions, and taking note of Commission on Human Rights resolution 2000/75 of 27 April 2000,[1]

Also recalling the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[2]

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,[3] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the human rights treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

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[1] See *Official Records of the Economic and Social Council, 2000, Supplement No. 23* (E/2000/23), chap. II, sect. A.

[2] A/CONF.157/24 (Part I), chap. III.

[3] Resolution 217 A (III).

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Recalling that the effectiveness of the human rights treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

Also recalling the initiatives taken by a number of human rights treaty bodies to elaborate early warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence or recurrence of serious human rights violations,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Promoting the effective functioning of the periodic reporting by States parties to those instruments;

(b) Securing sufficient financial, human and information resources for the Office of the United Nations High Commissioner for Human Rights to enable the human rights treaty bodies to carry out their mandates effectively, including in regard to their ability to work in the applicable working languages;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications when elaborating any further instruments on human rights;

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[4]

1. *Welcomes* the submission of the reports of the chairpersons of the human rights treaty bodies on their eleventh[5] and twelfth[6] meetings, held at Geneva from 31 May to 4 June 1999 and 5 to 8 June 2000, respectively, and takes note of their conclusions and recommendations;

2. *Encourages* each treaty body to continue to give careful consideration to the relevant conclusions and recommendations contained in the reports of the meetings of the chairpersons of the human rights treaty bodies and, in this context, encourages enhanced cooperation and coordination between the human rights treaty bodies;

3. *Welcomes* the initiative undertaken by the chairpersons of the human rights treaty bodies of inviting representatives of Member States to participate in a dialogue within the framework of their meetings, and encourages them to continue this practice in the future;

4. *Also welcomes* the recommendation of meeting of chairpersons to hold working-level meetings among representatives of all treaty bodies as a step towards achieving cooperation and harmonization;

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[4] A/55/278.

[5] A/54/805.

[6] A/55/206.

5. *Welcomes* the submission of comments by Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons on the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system[7] and the Secretary-General's report thereon;[8]

6. *Emphasizes* the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each human rights treaty body, while ensuring the most efficient use of existing resources, in order to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(b) Calls upon the Secretary-General to seek, in the next biennium, the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information without diverting resources from the development programmes and activities of the United Nations;

(c) Welcomes the plans of action prepared by the United Nations High Commissioner for Human Rights to enhance the resources available to all the human rights treaty bodies and thereby strengthen the implementation of these human rights treaties, and encourages all Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons to consider contributing to the appeal for extrabudgetary resources for the treaty bodies made by the United Nations High Commissioner for Human Rights until the regular budget funding meets their needs;

7. *Encourages* ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

8. *Takes note* of the measures taken by each of the human rights treaty bodies to improve their functioning, as reflected in their respective annual reports, and encourages continuing efforts by the human rights treaty bodies and the Secretary-General to help improve the meeting of reporting obligations by States parties and to reduce the backlog in the consideration of reports by treaty bodies;

9. *Welcomes* the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and encourages the Secretary-General, the treaty bodies and the chairpersons of the treaty bodies at their next meeting to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and ways of generally reducing the reporting burden on States parties, including through an ongoing examination of proposals for reports focused on a limited range of issues, the harmonization of the general guidelines regarding the form and content of reports, the possibility of consolidating overdue reports, the timing of consideration of reports and the methods of work of the treaty bodies;

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[7] E/CN.4/1997/74.

[8] E/CN.4/2000/98.

10. *Calls upon* the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[9] the International Covenant on Civil and Political Rights,[9] the International Convention on the Elimination of All Forms of Racial Discrimination,[10] the Convention on the Elimination of All Forms of Discrimination against Women,[11] the Convention on the Rights of the Child[12] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[13] which is being prepared with a view to identifying duplication of reporting required under those instruments;

11. *Urges* States parties to contribute, individually and through meetings of States parties, to identifying practical proposals and ideas for improving the functioning of the treaty bodies;

12. *Welcomes* the publication of the revised *Manual on Human Rights Reporting*;[14]

13. *Underlines* the importance of providing technical assistance to a State, upon its request, in the process of ratifying human rights instruments and in the preparation of its initial reports;

14. *Welcomes* the work done by the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the human rights treaty bodies;

15. *Reiterates* its concern about the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and delays in consideration of reports by the treaty bodies, as well as the large number of overdue reports, and again urges States parties to make every effort to meet their reporting obligations;

16. *Urges* all States parties whose reports have been examined by human rights treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

17. *Encourages* the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties, and encourages States parties to consider carefully the concluding observations of the treaty bodies in identifying their needs for technical assistance;

18. *Urges* each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty bodies;

19. *Welcomes* the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies and encourages the specialized agencies and other United Nations bodies, the Commission on Human Rights, including its special procedures and the Subcommission on the

[9] Resolution 2700 A (XXI), annex.
[10] Resolution 2106 A (XX), annex.
[11] Resolution 34/180, annex.
[12] Resolution 44/25, annex.
[13] Resolution 39/46, annex.
[14] United Nations publication, Sales No. E.GV.97.0.16.

Promotion and Protection of Human Rights, the Office of the United Nations High Commissioner for Human Rights and the chairpersons of the human rights treaty bodies to continue to explore specific measures to intensify this cooperation among them and improve communication and information flow to further improve the quality of their work, including by avoiding unnecessary duplication;

20. *Recognizes* the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

21. *Recalls*, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution and gender balance of membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and shall serve in their personal capacity and shall be of high moral character, acknowledged independence and recognized competence in the field of human rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

22. *Takes note* of the discussion of the payment of honorariums to the members of the human rights treaty bodies included in the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[4] and of other work being done by the Secretary-General on this subject, and encourages Member States to consider possible follow-up;

23. *Encourages* the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, other United Nations bodies and the specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

24. *Welcomes* the continuing emphasis by the chairpersons of human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate;

25. *Also welcomes* the contributions of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties;

26. *Invites* the Secretary-General to submit the reports of the chairpersons of the human rights treaty bodies on their periodic meetings to the General Assembly at its fifty-seventh session;

27. *Requests* the Secretary-General to report to the General Assembly at its fifty-seventh session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

28. *Decides* to continue to give priority consideration at its fifty-seventh session to the conclusions and recommendations of the chairpersons of the human rights treaty bodies at their periodic meetings, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".